

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.
Victor Manuel ORTEGA-Arciga
a/k/a Victor ARCIGA

Case No.

2:21-mj-522

Defendant(s)

RICHARD W. MAGILL
CLERK OF COURT

2021 AUG -4 PM 12:12

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/01/21 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. 1326(a) and 1326(b)(2)

Offense Description

Illegal reentry of a noncitizen removed subsequent to an aggravated felony conviction

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

JOHN S WISSEL

Digitally signed by JOHN S WISSEL
Date: 2021.08.04 09:50:05 -0400

Complainant's signature

John Wissel, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date:

August 4, 2021

City and state:

Columbus, OH

Elizabeth Preston Deavers

Judge's signature

Elizabeth Preston Deavers, U.S. Magistrate Judge

Printed name and title



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE
CRIMINAL COMPLAINT OF:**

**Victor Manuel ORTEGA-Arciga
a/k/a Victor ARCIGA**

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Case No.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer John S. Wissel, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than twelve years of experience as an Immigration Agent with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, OH, Office of Enforcement and Removals. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico.
2. During the course of investigating Victor ORTEGA-Arciga (A200 301 827), I have learned the following facts:
3. ORTEGA-Arciga is a citizen and national of Mexico with no claim to United States citizenship.
4. On or about October 28, 2010, ORTEGA-Arciga was granted Lawful Permanent Resident Status, (F-27) Child of a LPR, adjustment.
5. On or about November 29, 2012, ORTEGA-Arciga presented himself to a Customs and Border Patrol Officer (CBP) for entry in the pedestrian lane at the San Ysidro Port of Entry in San Ysidro, California. After a secondary inspection, ORTEGA-Arciga was sent to the hospital where he passed more than 30 pellets that subsequently tested positive for heroin. On that same day, ORTEGA-Arciga was arrested and paroled into the United States by a CBP Officer pending criminal prosecution.
6. On or about November 18, 2013, ORTEGA-Arciga was convicted of Importation of Heroin, in violation of 21 U.S.C. §§ 952 and 960, in the United States District Court for the Southern District of California (Case No. 3:13-CR-0468-CAB). ORTEGA-Arciga was sentenced to a term of imprisonment of 37 months.

7. On or about July 30, 2015, ORTEGA-Arciga was encountered by ICE at the Federal Correction Institution (FCI) in Herlong, California. ORTEGA-Arciga was issued Immigration Form I-862, Notice to Appear. On or about October 27, 2015, ORTEGA-Arciga was issued a final order of removal by an Immigration Judge in Eloy, Arizona. On or about October 28, 2015, ORTEGA-Arciga was physically removed from the United States to Mexico at the Nogales, Arizona Port of Entry. On that day, ORTEGA-Arciga surrendered his fingerprint and photo on Immigration Form I-205 (Warrant of Removal/Deportation) and signed the document. ORTEGA-Arciga's departure was witnessed by an Immigration Officer who documented the departure by way of signature on Immigration Form I-205.
8. On or about August 1, 2021, ICE placed a detainer on ORTEGA-Arciga at the Franklin County Jail in Columbus, Ohio. On the same day, ICE Officers took custody of ORTEGA-Arciga at the Franklin County Jail in Columbus, Ohio. ORTEGA-Arciga had been arrested and charged in the Franklin County Municipal Court with Disorderly Conduct (M4), in violation of Ohio Revised Code § 2317.11(B2) (Case No. 2021 CR B 010636).
9. After a verification of fingerprints, ICE determined that ORTEGA-Arciga had previously been ordered removed from the United States and is subject to prosecution for illegal reentry, being found in the United States after being barred from reentering this country for life. Biometric and records checks confirmed that ORTEGA-Arciga did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this reentry into the United States.
10. I submit that the foregoing facts establish probable cause that ORTEGA-Arciga has committed a violation of 8 U.S.C. §§ 1326(a) and 1326(b)(2), in that ORTEGA-Arciga is an alien who: (1) subsequent to sustaining a conviction for commission of an aggravated felony offense has been denied admission, excluded, deported, or removed, or has been departed the United States while an order of exclusion, deportation or removal is outstanding; (2) thereafter entered, attempted to enter, or at

anytime was found in the United States; and (3) did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.

JOHN S WISSEL

Digitally signed by JOHN S
WISSEL
Date: 2021.08.04 09:53:36 -04'00'

John S. Wissel
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 4th day of August, 2021.



HON. ELIZABETH PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE

